UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,452	04/21/1999	TIMO BRUCK	WEB-340	8411

47973 7590 01/30/2006	EXAMINER
WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111	HUYNH, SON P

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/296,452	BRUCK ET AL.
		Examiner	Art Unit	
		Son P. Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*16 November 2005*</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*58-75,77-89 and 92-106*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*58-75,77-89 and 92-106*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*20 October 2003*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 58-75, 77-89, 92-106 have been

considered but are moot in view of the new ground(s) of rejection.

Claims 1-57, 76, 90-91 have been cancelled

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   Claims 58-67, 71-75, 77-81, 85-89, 92-106 are rejected under 35 U.S.C. 103(a)

as being unpatentable over DeWeese et al. (US 2005/0262542) and in view of Nishi

(US 6,681,395).

Regarding claim 58, Deweese teaches a client system 20 comprising display for

showing video programs received from one or more video sources and chat

communication corresponding to the received video programs (figure 9), a method of

the client system displaying a particular video program and chat communication

corresponding to the particular video program (figure 9), the method comprising:

receiving a video program from a video source (program 271 -see figure 13);

receiving chat communication from a chat room that is associated with the video

program (figures 9,13, 16, paragraph 0062);

storing a plurality of television program listings data, program guide application,

and non-program guide application (paragraph 0059, figure 1A), the chat

communication displays on region designated for chat window and video program

display in region designated for video program (figures 9,13,16). The data can be

displayed overlay on top of each other, or PIP (figures 9, 13, 19, paragraph 0064, 0093)

Thus, data for defining video region for displaying the video program, and chat region

for displaying chat communication must be stored for displaying video program on video

window and chat communication on chat widow, and the data defining the region must

by differs from one to another for displaying the windows in PIP or overlay;

automatically, and without user intervention, selecting data for one of the plurality

of distinct user interface for use in customizing display of the video program and the

chat communication based on at least one of (i) an episode of a television series

included in the video program, (ii) a television series corresponding to the video

program, (iii) a television network affiliate providing the video program, or (iv) a network

providing the video program (selecting data to display video program and chat

communication based on program being viewed, channel, type of channel, or the like –

see including, but is not limited to, paragraph 0062);

displaying the video program and chat communication in accordance with the

selected user interface data and thereby creating a customized user interface for the

video program and chat communication (displaying video program in video window,

chat communication in chat window – figures 9, 13, 16, paragraphs 0064, 0093).

However, DeWeese does not specifically disclose user interface templates.

Nishi discloses receiving television program listings data, program guide application,

and non-program guide application comprises the plurality of distinct user interface

templates from broadcasting station (2) and stored them in the subscriber terminal (4).

The user interface templates defines region of the data displayed on the screen. The

data on the screen are arranged according the user interface templates (figures 1-4; col.

2, line 5-col. 3, line 3; col. 4, line 37-col. 5, line 3). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

DeWeese to use the teaching as taught by Nishi in order for use in displaying a program

guide quickly (col. 4, lines 3-5), and to reduce difficulty for the user to select desired

program from the displayed program guide in a form of a table of program cells (col. 1,

lines 56-66).

Regarding claim 61, DeWeese in view of Nishi discloses a method as discussed in the

rejection of claim 58. DeWeese further discloses:

receiving chat link data indicating that the client system may display a user

selectable chat link for connecting to a chat room (see figures 13-14, paragraph 0112);

displaying the chat link simultaneously with the video program (see figures 13,

15A, 21);

receiving user selection of the chat link (i.e. user selection of "Yes" icon 276 to

join the chat group or user selection a link to a chat group – figures 13 –15B);

Deweese further discloses once the user selects a particular chat group, the chat

request is sent to a server that is located at the television distribution facility or places

that are different from the television facility. The user is linked to the chat room specified

by the user; the user can communicates with other user in the chat group (see

including, but not limited to, figure 16, paragraphs 0057-0058, 0061, 0071-0073, 0120).

Thus, the claimed feature of sending a chat request to a host server is met by sending

chat request to server at the television distribution facility or places that are different

from the facility); a chat room identifier from the host server that identifies the chat room

is inherently received and the chat room at the chat server is connected so the

requested chat room is displayed to the user.

Regarding claim 59, Deweese further teaches the host and chat servers are the same

server (i.e. television distribution facility has chat server see figures 2A, 10).

Regarding claim 60, Deweese further teaches the video program and the chat link data

are received in a signal broadcast from the video source (i.e. distribution facility 16 -see

figure 1A).

Regarding claim 62, Deweese in view of Nishi discloses a method as discussed in the

rejection of claim 58. DeWeese further teaches the chat region of the display is adjacent

the video region of the display (see figure 16).

Regarding claim 63, Deweese in view of Nishi discloses a method as discussed in the

rejection of claim 58, Deweese further teaches the chat region 206 may be displayed as

an opaque or translucent overlay of television program 202 (see paragraph 0093) reads

on the chat region overlies the video region.

Regarding claim 64, DeWeese in view of Nishi teaches a method as discussed in the

rejection of claim 58. DeWeese further discloses chat communication is launched to

connect to a chat room according to program being viewed, channel, type of channel, or

the like (see including, but not limited to, figures 13-14, paragraph 0062). DeWeese

further discloses the user can select different program, channel, etc. (see including, but

not limited to, paragraph 0082). Since each chat communication correspond to chat

room is associated with particular program, channel, type of channel, etc., when the

user tune to another channel, another chat communication associated with another chat

room correspond to the new selected program/tuned channel is displayed on the

screen. Thus, the claimed first video program, first chat communication, the first chat

room and first display screen reads on the previous selected video program with

associated chat communication and chat room and displayed screen (i.e. figures 9, 13),

receiving the second program, receiving second chat communication, automatically,

without use intervention, selecting application for customizing display of the second

program and second chat communication based on at least one of (i) an episode of a

television series included in the second program, (ii) a television series corresponding to

the second video program, (iii)... displaying the second program and the second

communication ... are broadly met by receiving new selected program/new tuned

channel, chat communication, chat room based on new selected program/new tuned

channel and selecting application for displaying new selected program, It is obvious to

one of ordinary skill in the art to display chat communication and video communication

in different arrangement than the arrangement of previous program and previous

communication to maximize the use of screen according to new program, channel (see

figure 9,13, 16). DeWeese does not specifically disclose user interface templates. Nishi

discloses provides various user interface templates for different program, channel,

times, etc. (col. 2, lines 5-67). Therefore, it would have been obvious to modify

DeWeese to use various user templates for use to quickly display a customized

program guide based on size of the display screen, channels (col. 1, lines 57-67).

Regarding claim 65, Deweese further teaches an identifying characteristic of the video

program (chat topic) is displayed outside of the video region of the display (see figures

9, 16).

Regarding claim 66, Deweese further teaches the identifying characteristic identifies an

episode of a television series included in the video program (e.g., Clinton's

Impeachment or Lewinsky's Testimony identifies an episode of television series

included in News Program displayed in video region 315- see figure 16).

Regarding claim 67, Deweese teaches an identifying characteristic identifies a television

series corresponding to the video program (e.g., Clinton's Impeachment or Lewinsky's

Testimony identifies a television series corresponding to the News Program displayed in

video region 315- see figure 16).

Regarding claim 71, Deweese in view of Nishi teaches a method as discussed in the

rejection of claim 64. DeWeese further suggests wherein the second user interface is

selected because (i) an episode of a television series included in the second video

program (i.e. Clinton Impeachment – figure 16) differs from an episode of a television

series includes in the first video program (i.e. program 202 – figure 9), or (ii) a television

series corresponding to the second video program differs from a television series

corresponding to the first video program (figures 16, 9).

Regarding claim 72, Deweese in view of Nishi teaches a method as discussed in the

rejection of claim 64. DeWeese further discloses the communication chat, chat room,

and as a result, display screen is different according to channel, type of channel, or the

like (see including, but not limited to, paragraphs 0062, 0097-0098). Therefore, when

the channel or network affiliate is changed, the data associated with the second

channel/network affiliate such as chat communication, display information, etc. is

selected and displayed on the screen differs than the previous channel/network affiliate

reads on wherein the second user interface is selected because (i) a television affiliate

providing the second video program differs from a television affiliate providing the first

video program or (ii) a network providing the second video program differs from a

network providing the first video program.

Regarding claims 73-74, 77-81, 85-87, the claims are directed toward embody the

method of claims 58-59, 62-63, 65-67, 64, 71 respectively in a "computer program

product." It would have been obvious to one of ordinary skill in the art to embody the

procedures of DeWeese in view of Nishi as discussed with respect to claims 59-59, 62-

63, 65-63, 64, 71, in a "computer program product" in order that a processor could

automatically perform the instructions.

Regarding claims 88-89, DeWeese in view of Nishi discloses the computer program

product as discussed in the rejection of claim 87. DeWeese further discloses user tune

to different channel, network affiliate to receive different programs (figure 15B,

paragraph 0076). Therefore, television network affiliate/network providing the second

video program differs from a television network affiliate/network providing the first video

program.

Regarding claim 75, DeWeese in view of Nishi teaches a method as discussed in the

rejection of claim 73. Nishi further discloses selecting one or the plurality of distinct user

interface templates suitable to the form of the request program guide based on based

on display conditions (col. 4, lines 38- 67). The set of templates includes a plurality of

frame templates; channel name templates of different types into which display manners

of possible channels are classified, each channel name template being for displaying a

channel name display section; and program templates for each displaying a program

information for a single program, each program templates being associated with one of

categories into which possible programs are classified (col. 2, lines 5-67). If there are a

plurality of templates whose valid terms overlap, then the template with the shortest

valid term is used (col. 31-66). Thus, the claimed limitations of selecting one of the

plurality of distinct user interface based on the video program identifying characteristic

comprises selecting a user interface for (i) an episode of a television series included in

the video program, if one exists, and if not (ii) a television series corresponding to the

video program, if one exists, and if not (iii) a television network affiliate providing the

video program, if one exists, and otherwise (iv) a network providing the video program is

met by selecting the most specific interface template according to display conditions

(channels, programs, etc.). Therefore, it would have been obvious to one of ordinary

skill in the art to modify DeWeese to use the teaching as further taught by Nishi in order

to provide the most specific interface template to the user.

Regarding claim 92, Deweese in view of Nishi teaches a method as discussed in the

rejection of claim 58. DeWeese additionally teaches the video program has a beginning

and an end (program times –paragraph 0053). Deweese further discloses each chat

group 504 links to a related video program in 502 (see figure 15B); and while watching a

program on video 400, the user receives a chat request 410, which indicates the name

of chat group that the recipient of the request is being asked to job, the chat request

recipient chat tune to the channel that the program is airing on by selecting option 404

(paragraphs 0132-0135, 0139, figure 21). It is obvious that method including an act of

displaying a new chat link (chat request) with the video program, and prior to the end of

the video program, the new chat link linking to new chat room that is associated with a

different video program in order for provide convenience to user to link to another chat

room.

Regarding claim 93, Deweese teaches the chat room is maintained by the chat server

only until the user leaves the chat room, wherein the user is determined to be a last

participant to leave the chat room (see paragraph 0097, lines 7-10).

Regarding claim 94, the limitations as claimed correspond to the limitations as claimed

in claim 58, and are analyzed as discussed with respect to the rejection of claim 58,

wherein the claimed host server and chat server are respectively read on television

distribution facility chat server in DeWeese's disclosure (figures 2A, 10, paragraphs

0057, 0112, 0135).

Regarding claims 95-98, the additional limitations as claimed correspond to the

limitations as claimed in claims 59, 64, 71-72 respectively, and are analyzed as

discussed with respect to the rejection of claims 59,64,71-72.

Regarding claims 99-104, the limitations of computer program product as claimed

correspond to the limitations of the method as claimed in claims 58,61,60,64,92-93.

DeWeese further discloses processors uses associated software application to perform

the operations (paragraphs 0060-0062). Therefore, rejections of claims 99-104 are

analyzed as discussed with respect to the rejection of claims 58,61,60,64,92-93.

Regarding claim 105, the limitations as claimed correspond to the limitations as claimed

in claim 58, and are analyzed as discussed with respect to the rejection of claim 58.

DeWeese further discloses creating a chat room that is associated with the video

program (i.e. creating News Chat room i.e. Clinton's Impeachment that is associated

with NEWS program – figures 15B-16).

Regarding claim 106, the limitations as claimed correspond to the limitations as claimed

in claim 58, and are analyzed as discussed with respect to the rejection of claim 58.

4.   Claims 68-70, 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable

over DeWeese et al. (US 2005/0262542) and in view of Nishi (US 6,681,395) as applied

to claim 65 above, and further in view of Knudson et al. (US 6,526,577).

Regarding claims 68-69, DeWeese in view of Nishi teaches a method as discussed in

the rejection of claim 65. DeWeese in view of Nishi does not specifically disclose the

identifying characteristic, which is displayed outside video region, identifies a television

network affiliate providing the video signal, or identifies a television network providing

the video program.

However, Knudson discloses the identifying characteristic, which is displayed

outside video region, identifies a television network affiliate providing the video signal

and identifies a television network providing the video signal (see figures 6, 8, 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was make to modify DeWeese and Nishi to use the teaching as taught

Knudson in order to identify the television network of video program being watched

without interfering the video program in video region.

Regarding claims 82-83, the additional limitations as claimed correspond to the

additional limitations as claimed in claims 68-69, and are analyzed as discussed with

respect to the rejection of claims 68-69.

Regarding claim 70, DeWeese in view of Nishi teaches a method as discussed in the rejection of claim 65. However, DeWeese in view of Nishi does not specifically disclose the identifying characteristic includes a background underlying at least one of the video region and the chat region.

Knudson teaches identifying characteristic (i.e. program title Titanic, purchase information) includes a background underlying other display data (i.e. video region 1611-see figures 16-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeWeese and Nishi to use the teaching as taught by Knudson in order to maximize space utilization on the graphical user interface.

Regarding claim 84, the additional limitations as claimed correspond to the additional limitations as claimed in claim 70, and are analyzed as discussed with respect to the rejection of claim 70.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30 – 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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SPH
January 13, 2006

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